

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:11CR3063
)	
v.)	
)	AMENDED
ALAN WAYNE MATTISON,)	TENTATIVE FINDING ON THE
)	PRESENTENCE INVESTIGATION
Defendant.)	REPORT
)	

The United States of America filed its Statement of Position, saying that it has “no objections to the information, calculations, and conclusions contained within the report.”

The Presentence Investigation Report, which is dated January 13, says at page 18 that “Mr. Mattison objects to criminal history points assessed in PSR paragraphs 45 and 47. Defense counsel tried to find these convictions on Justice, but was unable.” The probation officer’s response is that supporting documents “for paragraph 47 have been forwarded to counsel,” and that it is awaiting documents “for the conviction located at paragraph 45.”

On January 23, 2012, the defendant through counsel filed his ADOPTION OF PRESENTENCE INVESTIGATION REPORT (PSR), saying “Defendant Alan Wayne Mattison, by and through the undersigned, hereby adopts the PSR as drafted by the probation office.”

I therefore tentatively find that the defendant through his counsel means by his ADOPTION OF PRESENTENCE INVESTIGATION REPORT (PSR) is disregarding the portion of the PSR which asserts that the defendant objects to points assessed in paragraphs 45 and 47. If I have misinterpreted the defense counsel’s ADOPTION OF PRESENTENCE INVESTIGATION REPORT and has objection to either paragraph 45 or 47 he must file a further document clarifying the defendant’s position no later than three business days before February 13.

According to the Presentence Investigation Report the defendant's total offense level is 12 and the criminal history category is IV, and the guideline imprisonment range is 21-27 months (Zone D).

Dated January 31, 2012.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge